

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.S.RADHAKRISHNAN
&
THE HONOURABLE MR. JUSTICE V.K.MOHANAN

WEDNESDAY, THE 22ND AUGUST 2007 / 31ST SRAVANA 1929

WA.No. 1485 of 2007

(AGAINST JUDGMENT DATED 28.2.2007 IN WP(C) NO.16785/2006)

APPELLANT: 4TH RESPONDENT

P.K.SATHEESH,EXCISE PREVENTIVE OFFICER,
(FORMERLY WORKING AT EXCISE DIVISION OFFICE,
NOW WORKING AT EXCISE DIVISION OFFICE,
PATHANAMTHITTA.

BY ADV. DR.K.P.SATHEESAN

RESPONDENTS: PETITIONER & RESPONDENTS 1 TO 3

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1. N.R.SIVAPRAKASH,EXCISE PREVENTIVE
OFFICER,EXCISE RANGE OFFICE,KUTHIYATHODU,
ALAPPUZHA DISTRICT.
 2. C.N.MOHANAN,EXCISE PREVENTIVE OFFICER,
EXCISE INTELLIGENCE AND INVESTIGATION BUREAU,
ALAPPUZHA.
 3. GOVERNMENT OF KERALA, REPRESENTED BY ITS
SECRETARY,DEPARTMENT OF TAXES,
GOVERNMENT SECRETARIAT,THIRUVANANTHAPURAM.
 4. THE COMMISSIONER OF EXCISE,
THIRUVANANTHAPURAM.
 5. THE JOINT COMMISSIONER OF EXCISE,
ALAPPUZHA.

R3 TO R5 BY SPECIAL GOVERNMENT PLEADER MR.N.MANOJ KUMAR

THIS WRIT APPEAL HAVING BEEN FINALLY HEARD
ON 22/08/2007 ALONG WITH W.A.983/2007 & CONNECTED CASES,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.S.RADHAKRISHNAN & V.K.MOHANAN, JJ.

W.A.Nos.1485, 983, 991, 1005, 1012, 1517,
1493, 1454, 1334, 1839 & 1455 of 2007

Dated, this the 22nd day of August, 2007

JUDGMENT

Radhakrishnan, J.

Heard learned counsel on either side.

2. The learned Single Judge has noticed that the impugned order was passed without hearing all the affected parties. It is so stated in paragraph 3 of the impugned judgment. In the circumstances, we find no reason to hold up these matters here.

3. Mr.S.P.Aravindakshan Pillai, learned counsel appearing for appellants in W.A.Nos.1005 and 1012 of 2007, states that he has not made any concession before the learned Single Judge.

4. However, since it is a common order, we feel it appropriate to direct the Government to pass appropriate orders in the matter as already directed by the learned Single Judge. It is open to the appellants to raise all their contentions before the Government.

Writ appeal is disposed of as above.

K.S.RADHAKRISHNAN, JUDGE

V.K.MOHANAN, JUDGE

vns